

PTO/SB/26 (08-03)

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**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

H053912.0132US0

In re Application of: Attilio Tomasi, et al.

Application No.: 10/698,684

Filed: 10/31/2003

For: CRYSTALLINE FORM II OF CABERGOLINE

The owner, Pharmacia Italia, S.p.A., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,673,806. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record.

Signature

Date

Dwayne L. Mason, Reg. No. 38,959

Typed or printed name

713-220-5800

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17 (01-03)

FEE TRANSMITTAL
for FY 2004

Patent fees are subject to annual revision

FEE TRANSMITTAL for FY 2004 <i>Patent fees are subject to annual revision</i>		Complete if Known			
		Application Number	10/698,664		
		Filing Date	10/31/2003		
		First Named Inventor	Attilio Tomasi		
		Examiner Name	Aulakh, Charanjit		
Group / Art Unit	1625				
Total Amount of Payment	\$ 110.00	Attorney Docket No.	H053912.0132US0		

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
 Deposit Account No.: 16-2435
 Deposit Account Name:
Akin Gump Strauss Hauer & Feld, LLP

Charge any additional Fee Required Under 37 CFR §§ 1.16 & 1.17
 Applicant claims small entity status.
 See 37 CFR 1.27

2. Payment Enclosed: Check
 Money Order
 Credit Card
 Other

FEE CALCULATION

1. Basic Filing Fee

Large Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1001	\$770	2001	\$385	Utility Filing Fee	\$
1002	\$340	2002	\$170	Design Filing Fee	\$
1003	\$350	2003	\$265	Plant Filing Fee	\$
1004	\$770	2004	\$385	Release Filing Fee	\$
1005	\$160	2005	\$ 80	Provisional Filing Fee	\$
Subtotal (1)				\$ 0	

2. Extra Claim Fees

Claims	Extra	Fee (below)	Fee Paid
Total	-20** =	x \$	= \$
Indep.	-3** =	x \$	= \$
Multiple Dependent			\$

**Or number previously paid, if greater.

For Reissues, see below

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
\$ 18	\$ 9	Claims in excess of 20	
\$ 86	\$ 43	Independent claims in excess of 3	
\$ 290	\$ 145	Multiple dependent claim, if not paid	
\$ 86	\$ 43	**Reissue independent claims over original patent	
\$ 18	\$ 9	**Reissue claims in excess of 20 and over original patent	
Subtotal (2)			
\$ 0			

FEE CALCULATION (continued)

3. Additional Fees

Large Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1051	\$ 130	2051	\$ 65	Surcharge - late fee or oath	\$
1052	\$ 50	2052	\$ 25	Surcharge - late provisional filing fee or cover sheet	\$
1812	\$2,520	1812	\$2,520	Request for Reexamination	\$
1804	\$920*	1804	\$920*	Requesting publication of SIR prior to Examiner action	\$
1805	\$1840*	1805	\$1840*	Requesting publication of SIR after Examiner action	\$
1251	\$ 110	2251	\$ 55	Extension for reply within first month	\$
1252	\$ 420	2252	\$ 210	Extension for reply within second month	\$
1253	\$ 950	2253	\$ 475	Extension for reply within third month	\$
1254	\$1,480	2254	\$ 740	Extension for reply within fourth month	\$
1255	\$2,010	2255	\$1,050	Extension for reply within fifth month	\$
1401	\$ 330	2401	\$ 165	Notice of Appeal	\$
1402	\$ 330	2402	\$ 165	Filing a brief in support of an appeal	\$
1403	\$ 290	2403	\$ 145	Request for oral hearing	\$
1452	\$ 110	2452	\$ 55	Petition to revive - unavoidable	\$
1453	\$1,330	2453	\$ 665	Petition to revive - unintentional	\$
1501	\$1,330	2501	\$ 665	Utility issue fee (or release)	\$
1502	\$ 480	2502	\$ 240	Design issue fee	\$
1503	\$ 640	2503	\$ 320	Plant issue fee	\$
1460	\$ 130	1460	\$ 130	Petitions to the Commissioner	\$
1807	\$ 30	1807	\$ 50	Petitions related to provisional applications	\$
1806	\$ 180	1806	\$ 180	Submission of Information Disclosure Statement	\$
8021	\$ 40	8021	\$ 40	Recording each patent assignment or property (times number of properties)	\$
1809	\$ 770	2809	\$ 385	Filing a submission after final rejection (37 CFR 1.129(g))	\$
1801	\$ 770	2801	\$ 385	Request for Continued Examination (RCE)	\$
1802	\$ 900	1802	\$ 900	Request for expedited examination of a design application	\$
Other fee (specify): Terminal Disclaimer				\$ 110	
Other fee (specify):				\$	
* Reduced by Basic Filing Fee Paid					
				Subtotal (3)	\$ 110

Submitted by

Dwayne L. Mason, Reg. No. 38,960

Date: 06/01/04

PTO/SB/17 (01-03)

FEE TRANSMITTAL for FY 2004		Complete if Known			
<i>Patent fees are subject to annual revision</i>		Application Number	10/698,664		
		Filing Date	10/31/2003		
		First Named Inventor	Attilio Tomasi		
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METHOD OF PAYMENT (check one)				FEES CALCULATION (continued)																																																																																																																																																														
<p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:</p> <p>Deposit Account No.: <u>16-2435</u></p> <p>Deposit Account Name: <u>Akin Gump Strauss Hauer & Feld, LLP</u></p> <p><input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR §§ 1.16 & 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>				<p>3. Additional Fees</p> <table border="1"> <thead> <tr> <th>Large Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>\$ 130</td> <td>2051</td> <td>\$ 65</td> <td>Surcharge - late fee or oath</td> <td>\$</td> </tr> <tr> <td>1052</td> <td>\$ 50</td> <td>2052</td> <td>\$ 25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td>\$</td> </tr> <tr> <td>1812</td> <td>\$ 2,520</td> <td>1812</td> <td>\$ 2,520</td> <td>Request for Reexamination</td> <td>\$</td> </tr> <tr> <td>1804</td> <td>\$ 920*</td> <td>1804</td> <td>\$ 920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td>\$</td> </tr> <tr> <td>1805</td> <td>\$ 1840*</td> <td>1805</td> <td>\$ 1840*</td> <td>Requesting publication of SIR after Examiner action</td> <td>\$</td> </tr> <tr> <td>1251</td> <td>\$ 110</td> <td>2251</td> <td>\$ 55</td> <td>Extension for reply within first month</td> <td>\$</td> </tr> <tr> <td>1252</td> <td>\$ 420</td> <td>2252</td> <td>\$ 210</td> <td>Extension for reply within second month</td> <td>\$</td> </tr> <tr> <td>1253</td> <td>\$ 950</td> <td>2253</td> <td>\$ 475</td> <td>Extension for reply within third month</td> <td>\$</td> </tr> <tr> <td>1254</td> <td>\$ 1,480</td> <td>2254</td> <td>\$ 740</td> <td>Extension for reply within fourth month</td> <td>\$</td> </tr> <tr> <td>1255</td> <td>\$ 2,010</td> <td>2255</td> <td>\$ 1,050</td> <td>Extension for reply within fifth month</td> <td>\$</td> </tr> <tr> <td>1401</td> <td>\$ 330</td> <td>2401</td> <td>\$ 165</td> <td>Notice of Appeal</td> <td>\$</td> </tr> <tr> <td>1402</td> <td>\$ 330</td> <td>2402</td> <td>\$ 165</td> <td>Filing a brief in support of an appeal</td> <td>\$</td> </tr> <tr> <td>1403</td> <td>\$ 290</td> <td>2403</td> <td>\$ 145</td> <td>Request for oral hearing</td> <td>\$</td> </tr> <tr> <td>1452</td> <td>\$ 110</td> <td>2452</td> <td>\$ 55</td> <td>Petition to revive - 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				Subtotal (2)	\$ 0

Date: 06/01/04

Submitted by

Dwain L. Mason, Reg. No. 38,960

COPY